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DATE March 11, 2005
NAME Board of Appeals
COMPANY USPTO
FAX NUMBER 703 305 0942
FROM Jacqueline M. Hutter
REFERENCE NO. 03269.0029U2
OUR FAX NUMBER 678-420-9301
NUMBER OF PAGES 4

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2005 MAR 11 PM 3:25
BOARD OF PATENT APPEALS
AND INTERFERENCES

Re: U.S. Application No. 09/032,893
Filed: February 27, 1998

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Attached hereto are the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences
2. Form PTO-2038 in the amount of \$170.00
3. Certificate of Facsimile Transmission dated March 11, 2005

CONFIDENTIALITY NOTE

The information which follows and is transmitted herewith is attorney privileged, trade secret and confidential information intended only for viewing and use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, communication, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address.

ATTORNEY DOCKET NO. 03269.0029U2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Bieser <i>et al.</i>)	Art Unit: 1771
)	
Application No. 09/032,893)	Examiner: Juska, C.
)	
Filing Date: February 27, 1998)	Confirmation No. 1428
)	
For: HOMOGENEOUSLY BRANCHED)	
ETHYLENE POLYMER CARPET,)	
CARPET BACKING AND METHOD)	
FOR MAKING SAME)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

VIA FACSIMILE (703 305 0942)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

March 11, 2005

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 16, 2004 rejecting claims 1, 3-6, 9-12, and 15-17.

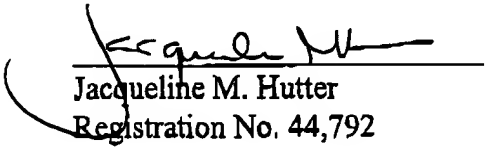
35 U.S.C. § 134 states that "an applicant for a patent...may appeal from a decision of the primary examiner to the Board of Patent Appeals and Interferences, having *once* paid the fee for such appeal" (emphasis added). The fee for filing a Notice of Appeal specified in 37 C.F.R. 41.20(b)(1) was previously paid with the Notice of Appeal mailed May 17, 2004. A credit card authorization in the amount of \$170.00 is enclosed, representing the difference in the notice of appeal fee originally paid and the fee currently due. This amount is believed to be correct;

ATTORNEY DOCKET NO. 03269.0029U2
APPLICATION NO. 09/032,893

however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.


Jacqueline M. Hutter
Registration No. 44,792

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via facsimile transmission to: (703) 305 0942, on the date indicated below.


Jacqueline M. Hutter

Mar 11, 2005
Date